

REMARKS

Applicants have received and reviewed the Office Action dated December 8, 2009. By way of response, Applicants have amended claim 1. No new matter has been added. Claims 1-14 and 17-25 are pending. Claims 15 and 16 have been withdrawn.

Applicants submit that the pending claims are supported by the specification as filed. For example, support for the recitation of “outside” in claim 1 can be found throughout the specification as filed including at least at page 5, lines 34-37 (page and line numbers are with reference to the PCT publication of the present application). Support for the recitation in claim 1 of “said bonding layer ii) has weight per unit area less than weight per unit area of said sealing layer iv); and said bonding layer ii) has a thickness less than thickness of said sealing layer iv)” can be found throughout the specification as filed including at least at page 5, line 23-33.

Applicants respectfully submit that the amended claims are in condition for allowance, and notification to that effect is earnestly solicited.

Election/Restriction

The Office Action asserts that claims 15 and 16 are outside the originally presented invention. Applicants respectfully assert that the first substantive Office Action included examination of claims 15 and 16 when they recited the “use” of the sachet of claim 1. Thus, claims 15 and 16 should be examined when they are amended to conform with U.S. practice by reciting a “method” rather than a “use”. Accordingly, Applicants respectfully request examination of claims 15 and 16 in the present application.

Rejection of Claims Under 35 U.S.C. §§ 102(b) and 103(a)

The Examiner rejected claims 1, 3-7, 9-14, 17-19, and 21-24 under 35 U.S.C. § 102(b) as anticipated by the Asakura et al. reference, U.S. Patent No. 4,360,550. The Examiner rejected claims 2, 6-8, 20, and 25 under 35 U.S.C. § 103(a) as obvious over the Asakura et al. reference. Applicants respectfully traverse these rejections.

The Office Action asserts that the Asakura et al. reference discloses the present invention because it discloses a layer that can be paper that is disposed nearer the exterior of the sachet

than the bonding layer (at page 4, paragraph 8). Claim 1 has been amended to clarify that the paper layer of the presently claimed sachet is on the “outside of the sachet”. In contrast, the Asakura et al. reference requires that a paper layer be sandwiched between two layers of film that can only be elongated in directions perpendicular to one another (column 2, line 66, through column 3, line 9). These layers of film, one of which is on the outside of the container of the Asakura et al. reference, provide advantageous strength to a “bag” for holding “relatively heavy content” (column 3, lines 24-27). The Asakura et al. reference requires that a film layer, not a paper layer, be on the outside of its container for a reason that is not relevant to the presently claimed invention. Thus, the Asakura et al. reference neither discloses nor suggests the presently claimed sachet and methods employing it.

Amended claim 1 recites that “said bonding layer ii) has weight per unit area less than weight per unit area of said sealing layer iv); and said bonding layer ii) has a thickness less than thickness of said sealing layer iv.” In contrast, the Asakura et al. is silent regarding the relative density and thickness of its adhesive layer **12** and its sealant layer **15**. The Asakura et al. reference cannot teach or suggest a feature about which it is silent. Thus, the Asakura et al. reference neither discloses nor suggests the presently claimed sachet and methods employing it.

The presently claimed relative density and thickness provides the advantages of a sachet that can be more easily opened without the use of scissors and from which granulate readily pours (present application as filed at least at page 1, lines 20-23). The sachet as now claimed has four layers of which, counting from the outside, the first three layers are relatively weak. These first three layers are the paper layer, the bonding layer (which is recited to be thinner and less dense than the sealing layer), and the barrier layer.

In an embodiment and without limiting the present invention, it can be envisioned that having a set of three layers as a relatively weak set of layers, it is easy to make a notch by manually manipulating the sachet, and to let this notch extend up to the sealing layer. Once the notch has indeed been formed so that it extends up to the sealing layer, it is large enough to let the tear, on the application of mechanically applied little and easily controllable force, continue from the most inward position of the notch through the sealing layer. Thus, this sachet is easy to open.

Ease of opening is not the only advantage that follows from the asymmetric distribution of the mechanical strength formed by the set of four layers. Whereas the bonding layer is relatively thin and not so dense, thereby also providing good bonding properties, the sealing layer is specified to be relatively dense and thick in comparison with the bonding layer. This not only gives a larger mechanical strength to this layer, the higher density also results in a smoother surface of the sealing layer, which ultimately results in a lower coefficient of friction of the surface of the sealing layer. Hence, the granulates are, first of all, more likely to fall down to the bottom of the sachet (away from the position where normally the sachet will be opened and thus not go lost during opening of the sachet), and secondly, the granulates can more easily be poured out of the sachet by holding the sachet such that all the granulates under the gravitational force will slide over the surface of the sealing layer toward the opening of the sachet.

Accordingly, based on the foregoing differences, Applicants respectfully submit that the Asakura reference neither teaches nor suggests the presently claimed sachet and methods of using it and withdrawal of these rejections is respectfully requested.

USSN 10/553,630
Reply to Office Action dated 05-19-2009

Summary

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

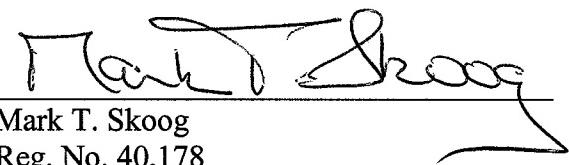
Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

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MTS:kf


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